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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,332	12/31/2003	Ellen O. Aeling	59054US002	4681

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EXAMINER

BLACKMAN, ROCHELLE ANN J

ART UNIT PAPER NUMBER

2851

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/750,332

Applicant(s)

AELING ET AL.

Examiner

Rochelle Blackman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/08/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 and 20-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Gehring et al. (U.S. Patent Application Publication No. 2002/0163722).

Regarding claim 1, Gehring discloses a dual display system (see Figs. 1-19) having first and second opposite sides (for example, sides of 10 of Fig. 1 and 52 of Fig. 5), the dual display system comprising: a graphic article (for example, see 57 of Fig. 5) providing a first display on the first side (side where viewers 51 are positioned in Fig. 5) of the dual display system in a first lighting condition; and a projection system (see 54 of Fig. 5) providing a projection from the second side (side where projector 54 is positioned) of the dual display system to provide a second display on the first side of the dual display system in a second lighting condition.

Regarding claims 2 and 15, Gehring discloses wherein the graphic article is a unidirectional graphic article (for example, see 10 of Fig. 1 and 52 of Fig. 5).

Regarding claims 3 and 16, Gehring discloses wherein the graphic article is a perforated imaged film (for example, see 57 of Fig. 5).

Regarding claim 4, Gehring discloses wherein the first lighting condition is a high brightness viewing condition (sunlight and/or morning or early afternoon – see pg. 10, paragraph [01133] and FIGS. 6 and 16) and the second lighting condition is a low brightness viewing condition (ambient and/or late afternoon or night – see pg. 10, paragraph [01133] FIGS. 6 and 16).

Regarding claim 5, Gehring discloses wherein the projection system comprises a projector (for example, see 54 of FIG. 5) and a diffuser screen (see paragraphs [0049] and [0072]).

Regarding claim 6, Gehring discloses wherein the projector is computer controlled (see 100 of Fig. 9).

Regarding claim 7, Gehring discloses wherein the graphic article is attached to an inside surface of a window substrate and the diffuser screen is attached between the graphic article and the projector (for example, see 156 of Fig. 10, 164 of Fig. 11 and 239 of Fig. 13 and paragraphs [0055], [0057], [0059], [0062], [0064], [0070], [0071], [0073], [0098] and [0108]-[0110] - the “graphic article” and “diffuser screen” is considered to be capable being implemented in a plurality of different configurations).

Regarding claim 8, Gehring discloses wherein the graphic article is attached to an outside surface of a window substrate and the diffuser is attached to an inside surface of the window substrate (also see 156 of Fig. 10, 164 of Fig. 11 and 239 of Fig. 13 and paragraphs [0055], [0057], [0059], [0062], [0064], [0070], [0071], [0073], [0098] and [0108]-[0110] - the “graphic article” and “diffuser screen” is considered to be capable being implemented in a plurality of different configurations).

Regarding claim 9, Gehring discloses wherein the diffuser screen is a diffusing window substrate and the graphic article is attached to an outside surface of the window substrate (also see 156 of Fig. 10, 164 of Fig. 11 and 239 of Fig. 13 and paragraphs [0055], [0057], [0059], [0062], [0064], [0070], [0071], [0073], [0098] and [0108]-[0110] - the “graphic article” and “diffuser screen” is considered to be capable being implemented in a plurality of different configurations).

Regarding claim 10, Gehring discloses wherein the projection system is a television/computer display (also see 100 of Fig. 9).

Regarding claim 11, Gehring discloses wherein the second display provided by the projection system is at least one fixed image (for example, see 57 of Fig. 5).

Regarding claim 12, Gehring discloses wherein the second display provided by the projection system is a full motion video (see paragraph [0045]).

Regarding claim 13, Gehring discloses wherein the first display conveys information relevant to a time period associated with the first lighting condition (sunlight and/or morning or early afternoon – see pg. 10, paragraph [01133] and FIGS. 6 and 16)

and the second display conveys information relevant to a time period associated with the second lighting condition (ambient and/or late afternoon or night – see pg. 10, paragraph [01133] FIGS. 6 and 16).

Regarding claim 14, Gehring discloses a dual display article (for example, see 10 of Fig. 1 and 52 of Fig. 5) for attachment to a window substrate (for example, see 156 of Fig. 10, 164 of Fig. 11 and 239 of Fig. 13), comprising: a graphic article (for example, see 57 of Fig. 5) providing a first display (display on side where viewers 51 are positioned in Fig. 5) viewable from a first direction in a high brightness condition (sunlight and/or morning or early afternoon – see pg. 10, paragraph [01133]); and a diffuser (see paragraphs [0049] and [0072]) attached to the graphic article for receiving and displaying a projection (image projected by projector 54) from a second direction opposite the first direction to provide a second display (display on side where projector 54 is located) viewable from the first direction in a low brightness condition (ambient and/or late afternoon or night – see pg. 10, paragraph [01133]).

Regarding claim 20, Gehring discloses wherein the high brightness condition is daylight and the low brightness condition is nighttime (also see pg. 10, paragraph [0133] and FIGS. 6 and 16).

Regarding claim 21, Gehring discloses wherein the graphic article is attachable to an inside surface of the window substrate and the diffuser is attached to the graphic article opposite from the window substrate (for example, see 156 of Fig. 10, 164 of Fig. 11 and 239 of Fig. 13 and paragraphs [0055], [0057], [0059], [0062], [0064], [0070],

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[0071], [0073], [0098] and [0108]-[0110] - the "graphic article" and "diffuser screen" is considered to be capable being implemented in a plurality of different configurations).

Regarding claims 22-27, the "method of displaying multiple images in different lighting conditions" is similarly met by the features and functions of the "dual display system" of claims 1-13 and the "dual display article" of claims 14-16, 20, and 21.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gehring et al. (U.S. Patent Application Publication No. 2002/0163722) in view of Yamashita (EP Patent No.0041390).

Gehring discloses the claimed invention except for the graphic article having a perforation of 10%-70% and the diffuser screen has a transmission of 20%-90%; the graphic article having a perforation of about 40%-50% and the diffuser screen having a transmission of about 50%-70%; and the graphic article having a perforation of about 40% and the diffuser screen has a transmission of about 60%.

Yamashita teaches providing a graphic article (3), attached to a diffuser screen (8), having a ratio of the area occupied by apertures to the area other than apertures

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falling within a range between 30:70 and 40:60 and a graphic article (28), attached to a diffuser screen (8), having a ratio between opaque area and transparent area that generally ranges between 75:25 and 65:35.

It would have been obvious to one ordinary skill in the art at the time the invention was made to provide the Gehring reference with graphic articles having the above ratios falling between 30:70 and 40:60 or 75:25 and 65:35, as taught by Yamashita for purpose of enabling various patterns of advertisement display to be obtained on a single apparatus (see abstract and pg. 1, lines 1-10).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (571) 272-2113. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RB

**William Perkey**  
**Primary Examiner**